



## **Board of Zoning Appeals**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**OCTOBER 8, 2018**

**9:30**

**Calendar No. 18-200:**

**3229 E. 118 Street**

**Ward 4**

**Kenneth L. Johnson**

**20 Notices**

Brian McAfee, owner, proposes to change use of a 2 dwelling unit house to a 3 dwelling unit in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

- 1.) Section 337.03(c) which states that the Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two dwelling units but not more than six dwelling units in each building, provide that: (1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355: (2) The dwelling units to be created will be not smaller than two rooms and a bathroom; (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families, except such as may be permitted by the Board. The square footage of lot area to be allotted to each dwelling unit is not in accordance with the area regulations of Chapter 355. Per Section 355.04, in a "B" area district, the minimum lot area per dwelling unit is 2,400 square feet therefore a 7,200 square foot lot is required and 4,865 square feet are proposed. (Filed September 11, 2018)

**9:30**

**Calendar No. 18-201:**

**2825 York Ave.**

**Ward 3**

**Kerry McCormack**

**16 Notices**

Lake City Dev. LLC., owner, proposes to erect a 1,600 square foot single family house with a detached garage on a 5,100 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.) Section 357.09(b)(2)(B) which states that in a Two-Family district no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less one fourth (1/4) the height of the main building on the premises. The required side yard is 7'-0" and a 2'-0" side yard is proposed.

- 2.) Section 357.13(b)(4) which states that an open porch is permitted provided it does not project more than six (6) feet, does not extend within ten (10) feet of the street line and does not aggregate a vertical area in any story more than twenty percent (20%) of the area of the façade in the story. The proposed 16' x 5'-6" porch is within 3'-6" of the street line.
- 3.) Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed September 12, 2018)

**9:30**

**Calendar No. 18-202:**

**2030 W. 19 St.**

**Ward 3**

**Kerry McCormack**

**21 Notices**

D.I. Rental LLC., owner, proposes to expand use to include a residential unit in a C3 Semi-Industry District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

- 1.) Section 357.08(b)(3) which states that a 20' minimum rear yard is required and a 1.25' rear yard is shown.
- 2.) Section 357.09(b)(2)(C) which states that an 8' interior side street yard is required and a 0' interior side street yard shown.
- 3.) Section 355.04 which states that in a "C" Area District the maximum gross floor area of the building cannot exceed ½ the lot area or in this case 7,022 square feet are permitted and 8,687 square feet are proposed. (Filed September 12, 2018)

**9:30**

**Calendar No. 18-203:**

**2062 W. 17 St.**

**Ward 3**

**Kerry McCormack**

**8 Notices**

Berges, owner, proposes to erect a 3 story 4,728 square foot single family residence with attached garage on a 6,135 square foot irregular shaped lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

- 1.) Section 349.07(a) which states that a driveway used to provide accessibility to accessory off street parking spaces shall be arranged to minimize traffic congestion.
- 2.) Section 355.04 which states that the maximum gross floor area shall not be greater than 50 percent of lot size or in this case 3068 square foot and the appellant is proposing 4,728 square feet.
- 3.) Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to main building on side lot is 7'-0".
- 4.) Section 357.13(b)(4) which states that a balcony is permitted provided that it shall not project more than 3 feet, does not extend within ten (10) feet of the street line and does not aggregate a vertical area in any story more than twenty percent (20%) of the area of the façade in the story. The balcony would extend within 2'-7" of the street line.
- 5.) 341.02(b) City Planning approval is required prior to the issuance of a building permit. (Filed September 12, 2018)

**9:30**

**Calendar No. 18-204:**

**1856 West 50 Street**

**Ward 15**

**Matt Zone**

**9 Notices**

Stacey Smiley, owner, proposes to erect a 20' x 22' two story frame detached gable with a 4' x 6' open wooden staircase in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

- 1.) Section 337.23(a) which states that an accessory use in Residence District shall be not less than 10 feet from neighbor house on adjacent lot and the appellant is proposing 2'.
- 2.) Section 337.23(A) which states that an accessory garage shall not exceed 650 square feet and the appellant is proposing 904 square feet.
- 3.) Section 353.05 which states that in a Residence District an accessory building shall not exceed 15 feet in height and the appellant is proposing 17.96'. (September 13, 2018)

**POSTPONED FROM SEPTEMBER 10, 2018**

**9:30**

**Calendar No. 18-178:**

**4219 Orchard Ave.**

**Ward 3**

**Kerry McCormack**

**15 Notices**

Pango Real Estate, owner, proposes to erect two attached single family residences with attached garages on an existing lot of record in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "B" Area District is 6,000 square feet and the lot area is 5,340 square feet. This section also requires a minimum lot width of 50 feet and 30 feet are proposed. The maximum gross floor area shall not be greater than 50 percent of lot size or in this case 2,670 square feet and the appellant is proposing 4,303 square feet.
2. Section 357.09(b)(2)(B) which states that no interior side yard shall be less than 1/4 the height or in this case 8.3 feet as the height of the building is approximately 34'-7" and 5'-0" are proposed.
3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building and a 30 foot rear yard is proposed.
4. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and a zero foot side yard is proposed.
5. Section 349.07(c) which states that driveway used to provide accessibility to accessory off street parking spaces shall be arranged to minimize traffic congestion. Requires Traffic Engineering approval.
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 14, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR COMMUNITY REVIEW.*

**POSTPONED FROM SEPTEMBER 10, 2018**

**9:30**

**Calendar No. 18-180:**

**2338 W. 6<sup>th</sup> Street**

**Ward 3**

**Kerry McCormack**

**13 Notices**

Dave Kozyk, owner, proposes to erect a 1 story frame 22'x 26' detached garage on vacant lot located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.03 of the Cleveland Codified Ordinances which states that a garage structure on vacant lot is not permitted in Residential District as Primary Use. (Filed August 20, 2018-No Testimony)  
*FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW MORE TIME FOR COMMUNITY REVIEW.*

**POSTPONED FROM SEPTEMBER 17, 2018**

**9:30**

**Calendar No. 18-91:**

**13701 Kinsman Rd.**

**Ward 4**

**Kenneth L. Johnson**

**14 Notices**

Maranatha Bible College, owner, proposes to install an illuminated ID wall sign in a B1 Residence Office District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.13 which states that a maximum of one 40 square foot sign per vehicle entrance is permitted and one 320 square foot sign is proposed.
2. Section 350.13(g) which states that electronic display sign for community facility in a Residence District requires BZA approval. (Filed April 19, 2018 Testimony taken) *FOURTH POSTPONMENT DUE TO THE APPELLANT'S SERVICE IN JURY DUTY. THIRD POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING. SECOND POSTPONEMENT WAS MADE AT THE REQUEST OF THE CITY TO ALLOW FOR TIME FOR DESIGN REVIEW. THIS CASE WAS ALSO DISMISSED ON JUNE 4, 2018 FOR WANT OF PROSECUTION; IT WAS REINSTATED TO JULY 9, DUE TO A MISCOMMUNICATION BETWEEN THE APPELLANT AND THE COMMUNITY DEVELOPMENT CORPORATION. FIRST POSTPONEMENT MADE AT THE REQUEST OF CITY PLANNING TO ALLOW FOR TIME FOR DESIGN REVIEW.*

**POSTPONED FROM SEPTEMBER 24, 2018**

**9:30**

**Calendar No. 18-192:**

**1322 W. 65 Street**

**Ward 15**

**Matt Zone**

**18 Notices**

Peter & Heather McLaughlin, owners, propose to erect a 20' x 49' two story single family residence with a 20' x 20' detached frame garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the building height is approximately 25'-9" thus no Interior Side yard shall be less than ¼ the height of the building or in this case 6.47' and the owner is proposing 5'.

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance to one main building is 9'-9" and 4.17' from the to the other.
3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed August 30, 2018-No Testimony) FIRST POSTPONEMENT MADE AS A RESULT OF A CHANGE IN THE PLAN AND THE NOTICE OF NONCONFORMANCE.